

RECEIVED Docket No. 030712-29
CENTRAL FAX CENTER Application No. 10/811,835
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REMARKS

The Examiner's Office Action of April 12, 2006 has been received and its contents reviewed. Applicant would like to thank the Examiner for thorough review and consideration given to the above-identified application, and for indicating claim 8 as containing allowable subject matter and would be allowed if rewritten to include all of the features of a base claim and any intervening claims.

Claims 1-15 are still pending in the present application, of which claims 1, 6 and 10 are independent. By this amendment, claims 2-5, 7-9 and 11-15 have been amended.

In the detailed Office Action, the specification stands objected to as the title of the invention is not descriptive and the specification contains typographical errors. In response, Applicant has amended the specification as suggested by the Examiner to overcome the objection. Applicant notes, however, that the Abstract of the disclosure appears to have no typographical errors as alleged by the Examiner.

Claims 2-5, 7-9 and 11-15 stand objected to as containing informalities. In response, Applicant has amended the claims, as shown above, to correct most of the informalities noted by the Examiner. However, with respect to the objection to claim 8 in which the Examiner argued that it is not clear which area logic cell are deleted prior to any appearance or existence of the logic cells, Applicant respectfully directs the Examiner's attention to Fig. 7 and its respective description in the specification. As can be seen, the logic cells to be deleted may not exist initially during a hypothetical disposition. However, as the circuit layout process progresses, there may be logic cells to be deleted.

Claims 1-7 and 9-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Solomon et al. (U.S. Patent No. 6,446,248 – hereafter Solomon). This rejection is respectfully traversed at least for the reasons provided below.

Applicant respectfully directs the Examiner's attention to MPEP § 2164.08 (page 2100-197, Rev. 2, May 2004). It is stated therein that when analyzing the enabled scope of a claim, the teaching in the specification must not be ignored because claims are to be given their broadest reasonable interpretation that is consistent with the specification.

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Further, according to MPEP 2173.01, Applicant can define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification. See MPEP § 2111.01.

In the rejection, the Examiner appeared to assert that there is an equivalence between Applicant's claimed spare underground cells with Solomon's base cells 245. However, Applicant respectfully asserts that there is no equivalence between Applicant's claimed spare underground cells and Solomon's base cells, and that the base cells of Solomon actually are utilized to create "ponds of gates" (POGs). Further, in analyzing Applicant's claimed features, the meaning of each limitations as defined in the specification needs to be taken into consideration by the Examiner.

As disclosed in Fig. 2 and the second paragraph of page 4 of the present specification, Applicant's spare underground cell has no interconnect patterns and contacts, for example. Hence, by design, spare underground cells with no interconnect patterns and contacts provide greater flexibility in term of flexible design pattern layout changes and in term of space requirements, for example. This flexibility reflected in the claimed method of design layout of the invention.

On the other hand, as disclosed in Fig. 3B of Solomon, base cells 24 have contacts already formed which reduce the flexibility of pattern layout changes, for example. Therefore, Applicant respectfully asserts that there is no equivalence between base cells 245 of Solomon and spare underground cells of Applicant's claimed invention, and that Applicant's claimed method is different from that of Solomon at least for the reason that Applicant's spare underground cells are different from Solomon's base cells 245 and the process in layout designing is affected at least by the aforementioned physical differences. Consequently, since each and every feature of the present claims is not taught (and is not inherent) in the teachings of Solomon, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claims 1-7 and 9-15, under 35 U.S.C. §102(b), as anticipated by Solomon is improper.

In view of the amendments and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of all the pending rejection and objection.

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It is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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